Supreme Court, U.S.
FILED
AUG 28 2009
OFFICE OF THE CLERK

No. 08-1134

In The

Supreme Court of the United States

UNITED STUDENT AID FUNDS, INC.,

Petitioner,

v.

FRANCISCO J. ESPINOSA,

Respondent.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

JOINT APPENDIX

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Petition For Certiorari Filed March 10, 2009
Certiorari Granted June 15, 2009

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The following documents have been omitted in the printing of this Joint Appendix. They may be found in the Appendix to the Petition for Writ of Certiorari at the following pages:

Memorandum decision of the U.S. Bankruptcy Court for the District of Arizona (Aug. 12, 2004) ..... App. 71

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RELEVANT DOCKET ENTRIES

BANKUPTCY COURT

Date Filed	#	Docket Text
12/07/1992	1	Voluntary petition under chapter 13 [Entered: 12/08/92], [SFB] ALL Schedules and Statement of Affairs Filed, [SFB]
12/7/1992	3	Chapter 13 Plan, [SFB]
4/15/1993	12	CONFIRMATION HEARING; TRUSTEE RECOMMENDS: Plan will be confirmed subject to stip and order w/dtr/trustee Trus has received the S/O alrdy. [JG], [KAG]
5/06/1993	14	ORDER Confirming Plan Re: Item #3, [KAG]
6/10/1993	15	Trustee's notice to creditor advising how claim will be treated, giving 30 days to object #1 [United Student Aid Funds], [KAG]
5/30/1997	20	DISCHARGE OF DEBTOR, [JRR]
6/23/2003	26	Motion to Reinstate Case, Motion to Reopen Case by the Debtor in Order to Seek Relief Pursuant to 11 U.S.C. Section 524(a)(2) (No Fee Due) filed by JAMES L. ROBINSON, JR of ROBINSON & RYLANDER PC on behalf of FRANCISCO J. ESPINOSA. (Rogney, Jill) Modified by J. Rogney on 10/14/02003 (Rogney, Jill).
6/25/2003	27	Order Reopening Case signed on 6/25/2003 (related document(s) 26). (Rogney, Jill)
8/12/2004	37	Memorandum Decision signed on 8/12/2004 (related document(s) 29). (Gaare, Kathy)
8/12/2004	38	Order signed on 8/12/2004 (related document(s) 29). (Gaare, Kathy)
8/18/2004	39	Notice of Appeal (255.00 fee) filed by MADELEINE C. WANSLEE of GUST ROSENFELD, P.L.C. on

		behalf of UNITED STUDENT AID FUNDS, INC. (related document(s) 38). District Court CV-04-447-TUC-RCC (WANSLEE, MADELEINE) Modified on 3/1/2006 (Granillo, Bev)
7/25/2008	54	Motion to Approve *Motion to Correct Clerical Mistake in Order of Discharge* filed by MICHAEL J. MEEHAN of Munger Chadwick on behalf of FRANCISCO J. ESPINOSA. (MEEHAN, MICHAEL)
8/20/2008	62	ORDER Granting Motion to Approve (Related Doc # 54) signed on 8/20/2008). (Mattingly, Teresa)

RELEVANT DOCKET ENTRIES

DISTRICT COURT

Date Filed	#	Docket Text
7/20/2006	11	ORDER; It is hereby ordered that the ruling of the Bankruptcy Court is REVERSED, and the case is REMANDED for further proceedings. Signed by Judge Raner C. Collins on 07/18/06. (LMF)
7/28/2006	12	NOTICE OF APPEAL to 9th Circuit, by Francisco J. Espinosa. Filing fee $455. (Rylander, Daniel)

RELEVANT DOCKET ENTRIES

COURT OF APPEALS

Date Filed	#	Docket Text
6/24/2008	32	Filed per curiam opinion (ALEX KOZINSKI, A. WALLACE TASHIMA and N. RANDY SMITH) The parties shall notify us within 5 days of the entry of the bankruptcy court's order, and we shall determine at that time whether the case requires further briefing or can be resubmitted on the existing briefs and arguments. SUBMISSION VACATED; REMANDED FOR A LIMITED PURPOSE. (PH)
10/02/2008	36	FILED OPINION (ALEX KOZINSKI, A. WALLACE TASHIMA and N. RANDY SMITH) REVERSED AND REMANDED. FILED AND ENTERED JUDGMENT. (PH)
12/10/2008	46	Filed order and amended opinion (ALEX KOZINSKI, A. WALLACE TASHIMA and N. RANDY SMITH). The opinion filed October 2, 2008 is amended as follows: (See order for full text). The petition for rehearing en banc is denied. See Fed R. App. P. 35. No further petitions may be filed and all pending motions are denied. (RP)

92-3819 TUC LO

UNITED STATES BANKRUPTCY COURT ARIZONA DISTRICT OF ARIZONA	VOLUNTARY PETITION

IN RE *ESPINOSA, FRANCISCO J.*	NAME OF JOINT DEBTOR
ALL OTHER NAMES used by the debtor in the last 6 years *NONE*	ALL OTHER NAMES used by the joint debtor in the last 6 years
SOC. SEC.#/TAX I.D.# *349-68-6653*	SOC. SEC.#/TAX I.D.#
STREET ADDRESS OF DEBTOR *5100 N LA CANADA #57* *TUCSON AZ 85704* COUNTY OF RESIDENCE OR BUSINESS *PIMA*	STREET ADDRESS OF JOINT DEBTOR COUNTY OF RESIDENCE OR BUSINESS
MAILING ADDRESS OF DEBTOR *SAME*	MAILING ADDRESS OF JOINT DEBTOR
BUSINESS DEBTOR'S PRINCIPAL ASSET LOCATION *NOT APPLICABLE*	VENUE [X] *Debtor's domicile, residence, or business assets were in this District for the 180 days preceding this petition.*

INFORMATION REGARDING DEBTOR

DEBTOR TYPE: [X] *Individual* DEBT NATURE: [X] *Non-Business/Consumer*	CHAPTER/SECTION: [X] *Chapter 13* FILING FEE: [X] *attached*
	NAME AND ADDRESS OF LAW FIRM OR ATTORNEY *JAMES L. ROBINSON, JR.* *AZ. BAR #3184, PIMA BAR #48612* *4320 N. CAMPBELL AVE., STE. 238* *TUCSON, ARIZONA 85718* Telephone No. *(602) 299-4922*
	ATTORNEY(S) REPRESENTING DEBTOR *JAMES L. ROBINSON, JR.*
	[ ] *Debtor not represented by an attorney.*

STATISTICAL ADMINISTRATIVE INFORMATION (28 U.S.C. 604)

[X] *Funds will not be available for unsecured creditors*

ESTIMATED NO. OF CREDITORS:	[X]	*1-15*
ESTIMATED ASSETS (thousands):	[X]	*Under 50*
ESTIMATED LIABILITIES (thousands):	[X]	*Under 50*
ESTIMATED NO. OF EMPLOYEES:	[X]	*Not Applicable*
ESTIMATED EQUITY SECURITY HOLDERS:	[X]	*Not Applicable*

THIS SPACE FOR COURT USE ONLY

FILED
DEC 7 1 47 PM '92
KEVIN E. O'BRIEN
CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF ARIZONA

UNITED STATES BANKRUPTCY COURT
FOR THE ARIZONA DISTRICT OF ARIZONA

In re *FRANCISCO J. ESPINOSA* Case No.
Chapter *13*
Debtor

Attorney for Debtor: JAMES L. ROBINSON, JR.

STATEMENT Pursuant to Rule 2016(b)

The undersigned, pursuant to Rule 2016(b), Rules of Bankruptcy Procedure, states that:

1. The compensation paid or promised by the Debtor(s), to the undersigned, is as follows:

For legal services rendered, Debtor(s) agrees to pay	$ 2,000.00
Prior to the filing of this Statement, Debtor(s) has paid	500.00
Balance Due	1,500.00

2. The Filing Fee *has been paid*.

3. The Services rendered or to be rendered include the following:

   (a) Analysis of the financial situation, and rendering advice and assistance to the client in determining whether to file a petition under Title 11, U. S. C.
   (b) Preparation and filing of the petition, schedules, statement of affairs and other documents required by the court.
   (c) Representation of the client at the first meeting of creditors.

4. The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and none other.

5. The source of payments to be made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed, and none other.

6. The undersigned has received no transfer, assignment or pledge of property from the debtor(s) except the following for the value stated: None.

7. The undersigned has not shared or agreed to share with any other entity, other than with members of the undersigned's law firm, any compensation paid or to be paid except as follows: None.

Dated: *December 4, 1992*

Respectfully submitted,

Attorney for Petitioner: *JAMES L. ROBINSON, JR.*
AZ BAR # 004384, DMA BAR # 48612
6320 N. CAMPBELL AVE. STE. 238
TUCSON, ARIZONA 85718

UNITED STATES BANKRUPTCY COURT
FOR THE ARIZONA DISTRICT OF ARIZONA

In re *FRANCISCO J. ESPINOSA* Case No.
Chapter *13*
Debtor

Attorney for Debtor: JAMES L. ROBINSON, JR.

SUMMARY OF SCHEDULES

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	AMOUNTS SCHEDULED ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	$ 0.00		
B - Personal Property	Yes	3	$ 2,415.00		
C - Property Claimed As Exempt	Yes	2			
D - Creditor Holding Secured Claims	Yes	1		$ 0.00	
E - Creditors Holding Unsecured Priority Claims	Yes	2		$ 13,250.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	1		$ 0.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			$ 1,397.50
J - Current Expenditures of Individual Debtor(s)	Yes	1			$ 1,125.00

Total Number of sheets in ALL Schedules > 14

Total Assets > $ 2,415.00

Total Liabilities > $ 13,250.00

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 15 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date *December 4, 1992* Signature *Francisco J Espinosa*
FRANCISCO J. ESPINOSA, Debtor

Penalty for making a false statement or concealing property. Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C. SS 152 and 3571.

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE A - REAL PROPERTY

Description and Location of Property	Nature of Debtor's Interest in Property	H W J C	Market Value of Debtor's Interest	Amount of Secured Claim
NONE			Total $ 0.00	

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE B - PERSONAL PROPERTY

Description of Property	Location	H W J C	Market Value of Debtor's Interest Before Claim
1. Cash on hand. [x] NONE			
2. Checking, savings or other financial accounts, certificates of deposits or shares in banks, savings, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives. [x] NONE			
3. Security deposits with public utilities, telephone companies, landlords, and others.			
Deposit with Sun River Apts.			$ 100
4. Household goods and furnishings, including audio, video, and computer equipment.			
One Waterbed			$ 75
Bedding			$ 100
One alarm clock			$ 5
One stereo and one VCR			$ 220
Tools			$ 80
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.			
Architectural Drafting Books			$ 10
Printed Board Design Book			$ 10
6. Wearing apparel.			
Men's clothing			$ 500
7. Furs and jewelry.			
One Seiko watch			$ 75
8. Firearms and sports, photographic, and other hobby equipment.			
One football			$ 20
One baseball glove and bat			$ 20

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Description of Property	Location	H W J C	Market Value of Debtor's Interest Before Claim
9. Interests in insurance policies. [x] NONE			
10. Annuities. [x] NONE			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. [x] NONE			
12. Stock and interests in incorporated and unincorporated businesses. *100 Shares of stock in America West Airlines - company is in bankruptcy.*			NONE
13. Interests in partnerships or joint ventures. [x] NONE			
14. Government and corporate bonds and other negotiable and non-negotiable instruments. [x] NONE			
15. Accounts receivable. [x] NONE			
16. Alimony, maintenance, support, and property settlements, to which the debtor is or may be entitled. [x] NONE			
17. Other liquidated debts owing debtor including tax refunds. [x] NONE			
18. Equitable and future interests, life estates, and rights of power exercisable for the benefit of the debtor other than those listed in Schedule of Real Property. [x] NONE			
19. Contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust. [x] NONE			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counter claims of the debtor, and the rights to setoff claims. [x] NONE			

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Description of Property	Location	H W J C	Market Value of Debtor's Interest Before Claim
21. Patents, copyrights, and other intellectual property. [x] NONE			
22. Licenses, franchises, and other general intangibles. [x] NONE			
23. Automobiles, trucks, trailers, and other vehicles and accessories.			
1984 Ford T-Bird			$ 1,200
24. Boats, motors, and accessories. [x] NONE			
25. Aircraft and accessories. [x] NONE			
26. Office equipment, furnishings, and supplies. [x] NONE			
27. Machinery, fixtures, equipment, and supplies used in business. [x] NONE			
28. Inventory. [x] NONE			
29. Animals. [x] NONE			
30. Crops - growing or harvested. [x] NONE			
31. Farming equipment and implements. [x] NONE			
32. Farm supplies, chemicals, and feed. [x] NONE			
33. Other personal property of any kind not already listed. [x] NONE			
		Total	$ 2,415

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE C - PROPERTY CLAIMED EXEMPT

Debtor elects the exemptions to which debtor is entitled under:
[x] 11 USC 522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, and state or local laws.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property w/o Deducting Exemption
Security deposits with public utilities, landlords, etc.			
Deposit with Sun River Apts.	*Ariz. Rev. Stat. S33-1126*	$ 100	$ 100
Household goods and furnishings			
One Waterbed	*Ariz. Rev. Stat. S33-1123*	$ 75	$ 75
Bedding	*Ariz. Rev. Stat. S33-1123*	$ 100	$ 100
One alarm clock	*Ariz. Rev. Stat. S33-1123*	$ 5	$ 5
One stereo and one VCR	*Ariz. Rev. Stat. S33-1123*	$ 220	$ 220
Tools	*Ariz. Rev. Stat. S33-1123*	$ 80	$ 80
Books, pictures, art and collections			
Architectural Drafting Books	*Ariz. Rev. Stat. S33-1125*	$ 10	$ 10
Printed Board Design Book	*Ariz. Rev. Stat. S33-1125*	$ 10	$ 10
Wearing apparel			
Men's clothing	*Ariz. Rev. Stat. S33-1125*	$ 500	$ 500
Furs and jewelry			
One Seiko watch	*Ariz. Rev. Stat. S33-1125*	$ 75	$ 75
Firearms, and sports, photographic, and other hobby equipment			
One football	*Ariz. Rev. Stat. S33-1125*	$ 20	$ 20

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE C - PROPERTY CLAIMED EXEMPT
(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property w/o Deducting Exemption
One baseball glove and bat			$ 20
	Ariz. Rev. Stat. S33-1125	$ 20	
Automobiles, trucks, trailers, etc, and accessories			
1984 Ford T-Bird			$ 1,200
	Ariz. Rev. Stat. S33-1125	$ 1,200	

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

Creditor Name and Address	Date, Nature of Lien, Description & Value	Claim Amount	Unsecured Portion and Notes*

[X] Debtor has no creditors holding secured claims to report on this Schedule D.

No continuation sheets attached

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS
PRIORITY TYPE: Taxes and Certain Other debts Owed to Governmental Units

	Creditor Name and Address	Claim Date and Consideration	Claim Amount	Amount with Priority and Notes*
1.	Account No. 349-68-6653 UNITED STUDENT AID FUNDS # 1 P O BOX 6180 INDIANAPOLIS IN 46206-6180	1988 Student Loan	$ 2,625.00	$ 2,625.00
2.	Account No. 349-68-6653 UNITED STUDENT AID FUNDS # 2 P O BOX 6180 INDIANAPOLIS IN 46206-6180	1988 Student Loan	$ 2,625.00	$ 2,625.00
3.	Account No. 349-68-6653 UNITED STUDENT AID FUNDS # 3 P O BOX 6180 INDIANAPOLIS IN 46206-6180	1988 Student Loan	$ 4,000.00	$ 4,000.00
4.	Account No. 349-68-6653 UNITED STUDENT AID FUNDS # 4 P O BOX 6180 INDIANAPOLIS IN 46206-6180	1988 Student Loan	$ 4,000.00	$ 4,000.00

Continuation sheet no. 1 of 1 Subtotal: $ 13,250.00

In re: *FRANCISCO I. ESPINOSA* _____/ Debtor Case No.

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

[ ] Debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY

[ ] Extensions of credit in an involuntary case
Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. S507(a)(2).

[ ] Wages, salaries, and commissions
Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees, up to a maximum of $2000 per employee, earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. S507(a)(3).

[ ] Contributions to employee benefit plans
Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. S507(a)(4).

[ ] Certain farmers and fishermen
Claims of certain farmers and fishermen, up to a maximum of $2000 per farmer or fisherman, against the debtor, as provided in 11 U.S.C. S507(a)(5).

[ ] Deposits by individuals
Claims of individual up to a maximum of $900 for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. S507(a)(6).

[X] Taxes and Other Certain Debts Owed to Governmental Units
Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. S507(a)(7).

1 Continuation sheet attached

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

Creditor Name and Address	Date Claim was Incurred Consideration for Claim	Claim Amount and Notes*

[X] Debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

No continuation sheets attached

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Name and Address of Other Parties to Instrument	Notes of Contract or Lease and Debtor's Interest
Sun River Aparments 5100 N. La Canada Tucson, Arizona 85704	Contract type: Residential lease Terms: $385.00 per month for 9 months Beginning date: 8-1-92 Debtor's Interest: Co-Lessee Description: Apartment

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE H - CODEBTORS

Name and Address of Codebtor	Name and Address of Creditor

[X] Debtor has no codebtors.

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE I-CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

DEBTOR'S MARITAL STATUS: *Single*

DEPENDENTS OF DEBTOR AND SPOUSE: None

EMPLOYMENT:

	DEBTOR	SPOUSE
Occupation:	Ramp Agent	
Name of Employer:	America West Airlines	
How Long Employed:	5 years	
Employer Address:	Sky Harbor Airport Phoenix, AZ	

	DEBTOR	SPOUSE
INCOME:		
Current monthly gross wages, salary, and commissions	$ 1,516.67	$
Estimated monthly overtime	$ 433.33	$
SUBTOTAL	$ 1,950.00	$
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$ 520.00	$
b. Insurance	$ 32.50	$
c. Union dues	$ 0.00	$
d. Other:	$ 0.00	$
SUBTOTAL OF PAYROLL DEDUCTIONS	$ 552.50	$
TOTAL NET MONTHLY TAKE HOME PAY	$ 1,397.50	$
Regular income from operation of business or profession or farm (attach detailed statement)	$ 0.00	$
Income from real property	$ 0.00	$
Interest and dividends	$ 0.00	$
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	$ 0.00	$
Social security or other government assistance	$ 0.00	$
Pension or retirement income	$ 0.00	$
Other monthly income	$ 0.00	$
TOTAL MONTHLY INCOME	$ 1,397.50	$
TOTAL COMBINED MONTHLY INCOME	$ 1,397.50	

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

NONE

In re: *FRANCISCO J. ESPINOSA* / Debtor Case No.

SCHEDULE J-CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

[ ] Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)	$	370.00
Are real estate taxes included? Yes ___ No X		
Is property insurance included? Yes ___ No X		
Utilities: Electricity and heating fuel	$	60.00
Water and sewer	$	0.00
Telephone	$	75.00
Other	$	0.00
Home maintenance (repairs and upkeep)	$	0.00
Food	$	250.00
Clothing	$	35.00
Laundry and Dry cleaning	$	30.00
Medical and Dental expenses	$	35.00
Transportation (not including car payments)	$	125.00
Recreation, clubs, and entertainment, newspaper, magazines, etc.	$	50.00
Charitable contributions	$	0.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's	$	10.00
Life	$	0.00
Health	$	30.00
Auto	$	55.00
Other	$	0.00
Taxes (not deducted from wages or included in home mortgages)	$	0.00
Installment payments: (Do not list payments to be included in the plan)		
Auto	$	0.00
Other	$	0.00
Alimony, maintenance, and support paid to others	$	0.00
Payments for support of additional dependents not living at your home	$	0.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)	$	0.00
Other	$	0.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)	$	1,125.00

FOR CHAPTER 12 AND 13 DEBTORS ONLY		
A. Total projected monthly income	$	1,397.50
B. Total projected monthly expenses	$	1,125.00
C. Excess income (A minus B)	$	272.50
D. Total amount to be paid into plan Monthly	$	272.50

FILED
Dec 7 1:30 PM '92
LEX L. O'BRIEN
CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF ARIZONA

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In Re:

FRANCISCO J. ESPINOSA, S.S.# 349-68-6653 Date Filed:

92-3819 TUC LO

Case No:

Debtor

/

CHAPTER 13 PLAN

Attorney for Debtor: **JAMES L. ROBINSON, JR.**

DEBTOR'S PLAN UNDER CHAPTER 13

WARNING IF YOU ARE A CREDITOR YOUR RIGHTS MAY BE IMPAIRED BY THIS PLAN

Debtor proposes the following Chapter 13 Plan:

1. **PROPERTY AND INCOME SUBMITTED TO THE PLAN:** Debtor shall submit the following amounts of property and future income to the Trustee for distribution under the Plan:

a. **Future earnings or income:** Debtor shall pay to the Trustee the sum of **Two Hundred Seventy Four Dollars ($274.00)** per month; on the 5th of the month, commencing January 5, 1993, and/or the Debtor will pay the first payment to the Trustee prior to the Confirmation Hearing.

Debtor is to make all of the Plan payments in the form of a cashier's check or money order payable to the Office of the Chapter 13 Trustee and shall include this Bankruptcy Case Number on each cashier's check or money order. Payments shall be sent to **Margo Itule, Chapter 13 Trustee, 177 North Church Avenue, Suite 900, Tucson, Arizona 85701**

b. **Other Property:** None. In the event that other property is submitted to the Trustee, it shall be treated as advance payments under paragraph 1.a., above.

c. **Adjustments to Property:** The current market value of Debtor's secured property and the proposed adjustments to secured creditors and the secured claims which are non-purchase money security interests to be avoided are set forth in the **Statement of Encumbered Property and Adjustments To List Of Secured Claims** which is attached hereto and incorporated herein.

2. **DURATION**: This Plan shall be for **sixty (60)** months including any months that payments are made to the trustee prior to the confirmation of the Plan. If at anytime before the end of this period all claims are paid, the Plan shall terminate.

3. **CLASSIFICATION AND TREATMENT OF CLAIMS**: Claims shall be classified as set forth below and these claims shall be paid by the Trustee (quarterly if the Trustee so desires) on the schedule set forth in the **Chapter 13 Debt Adjustment Plan** which is attached hereto.

a. **Administrative expenses**:

(1) **Trustee's fees and costs**: The trustee shall receive ten percent (10%) of each payment submitted pursuant to the Plan for her fees and costs.

(2) **Debtor's attorney's fees**: Debtor's attorney shall be paid his remaining fee of **$1,500.00** prior to the commencement on any claims listed hereinafter (except for any adequate protection payments which may be allowed by the Court at the confirmation hearing):

b. **Claims secured by real property**: None.

c. **Claims secured by personal property**: None.

(4) Claims treated as unsecured claims:

(a) Any claims not specifically set forth in this paragraph nor the attached **Statement of Encumbered Property and Adjustments To List of Unsecured Claims** are presumed to be unsecured claims. Any creditors, including but not limited to, Sears, Roebuck & Co., Montgomery Wards, J.C. Penny's & Co., and/or Radio Shack, claiming a security interest, shall serve a proof of claim, proof of a its perfected security interest, and an Objection to the Plan upon Debtor's counsel not later than seven (7) days prior to the first scheduled confirmation hearing date.

(b) If no proof of claim, proof of perfected security interest and objection to plan is filed and served on Debtor's counsel seven (7) days prior to the first scheduled confirmation hearing date then and in that event only the claims listed herein as secured loans shall be treated as secured loans.

(5) Claims paid as secured claims shall be paid in full prior to the commencement of payment on any claims listed thereafter.

(6) Upon payment of the above amount the security interest shall be released to Debtor.

d. **Priority Tax Claims:** There are no known tax claims.

(1) **Priority Tax Claims:** The following claims, as set forth below, shall be classified and paid as Priority claims:

(a) taxes on which returns (if required) were due within three years before the commencement of this case,

(b) taxes assessed within 240 days prior to the commencement of this case,

(c) taxes not assessed before, but assessable after the commencement of this case,

(d) taxes for which returns were not filed, or were filed late within two years before the commencement of this case,

(e) taxes under fraudulent returns.

(2) Priority claims shall be paid in full prior to the commencement of payment on unsecured claims. The amounts set forth below shall be adjusted to reflect the actual amounts allowed by the Court, and any increases shall reduce the amount payable on the unsecured claims.

(3) Any liens held by the taxing agencies listed below shall, upon completion of this Plan, be deemed extinguished and the liens shall be released.

(4) The debtor's initials indicate the correct status regarding filed or not filed income tax returns:

1E _____ I have to the best of my knowledge and belief filed all required federal and state income tax returns.

_____ _____ I have not filed all required federal and state income tax returns and I am aware that these returns must be prepared and filed immediately or I risk that my Chapter 13 proceeding will be dismissed.

(5) Description of priority claimants including the basis of claim and rate of interest are:

None.

Other priority claimants are: None. Student loan claims shall be paid as set forth in paragraph 3.e., below.

(6) **Other Tax Claims:** All other tax claims shall be classified and paid as unsecured claims, without any unpaid portion being discharged.

e. **Education Loan(s):** This plan shall pay the claims of **United Student Aid Funds, Inc., (also denominated in loan documents and collection letters as: United States Department of Education, Arizona Educational Loan Program, Valley National Bank, I.T.T. Technical Institute and General American Credits)** for four (4) student loans for educational loans in the following amounts:

(1) Amounts of loans:

$ 2,625.00
$ 2,625.00
$ 4,000.00
$ 4,000.00
$13,250.00 total

(2) These loans totaling $13,250.00 shall be paid in full as an unsecured claims all as set forth in the **Chapter 13 Debt Adjustment Plan** attached hereto.

(3) The amounts claimed by the United Student Loan Aid Funds, Inc., *et. al.* for capitalized interest, penalties, and fees shall not be paid for the reasons that the same are penalties and not provided for in the loan agreement between the Debtor and the lender.

(4) Any amounts or claims for student loans unpaid by this Plan shall be discharged.

f. **Codebtor Claims:** There are no co-debtors.

g. **Unsecured Claims:** All other claims shall be classified as unsecured along with any claims of security interest in property being avoided. Unsecured claims shall be paid the otherwise undistributed balance of payments under the Plan, pro rata all as set forth in the **Chapter 13 Debt Adjustment Plan.** Any unpaid amounts shall be discharged.

4. **LIQUIDATION ANALYSIS:** A liquidation analysis of Debtor's estate is attached hereto and the repayment to unsecured creditors will be 100%.

5. **REJECTION OF SECURED CLAIMS:** The Debtor elects not to assume a lease with or reaffirm a contract with the below named lessors or secured creditors and shall surrender to such lessors or creditors the collateral which is subject to lease or lien in full satisfaction of all claims which the lessor or creditor may have:

None.

6. **OBJECTIONS:** Objections, by any creditor, must be filed seven (7) days prior to the hearing on Confirmation of Plan along with a copy to the Trustee and Debtor's counsel.

7. **PROOFS OF CLAIM:** As a creditor you must file your proof of claim in order to get paid the amounts provided for in this plan. If you do not file your proof of claim by the deadline date you will not receive

anything even if the Plan provides for payment. The deadline for filing proofs of claim is set forth in the **Notice Of Commencement Case Under Chapter 13 Of The Bankruptcy Code, Meeting Of Creditors, And Fixing Of Dates** which you have received from the Clerk of the United States Bankruptcy Court.

8. **EFFECTIVE DATE AND VESTING:** The effective date of the Plan shall be the date of the order confirming the Plan. Property of the estate shall vest in the Debtor upon confirmation, including any income tax refunds. The Debtor may use the property in any manner, or may sell the property, without further order of this Court. Prior to and upon the Confirmation of the Plan, the automatic stay provided for by 11 U.S.C. Section 362 shall remain in full force and effect.

9. **SCHEDULE OF PAYMENTS:** The schedule of payments set forth in the **Chapter 13 Debt Adjustment Plan** attached hereto is an illustration of a likely payment schedule. The Trustee may make payments on a quarterly basis rather than a monthly basis. In the event of a conflict between that schedule and the provisions of this Plan, this Plan shall govern.

10. **OTHER PROVISIONS OF THIS PLAN:**

(a) The trustee may dismiss this Plan if Debtor incurs post-petition debts without the written permission of the trustee.

(b) The trustee shall have the power to waive, in writing and upon such terms as the trustee may impose and on such conditions as the trustee deems proper, any default in Debtor's payments to the Trustee under this Plan.

11. **SUPPORTING MEMORANDA:** Attached hereto and incorporated herein are the following memoranda and calculations:

(a) **Statement of Encumbered Property and Adjustments To List of Unsecured Creditors** and which sets forth:

(1) The fair market value of the Debtor's encumbered property.

(2) The secured claims that are greater than the fair market value of the secured property and the amount which is added to the list of unsecured claims.

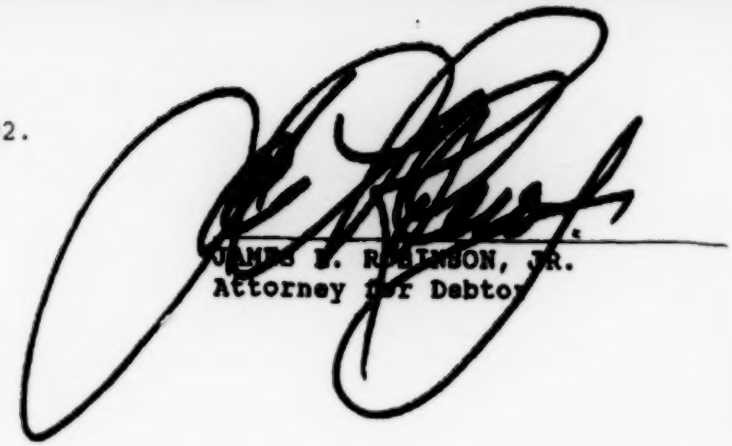
(3) Non-purchase money security interest to be avoided and to be added to the list of unsecured claims.

(4) Summary of the adjustments to the list of unsecured claims.

(b) **Liquidation Analysis** which sets forth an analysis if the Debtor's estate were liquidated and the percentage of their claims that the unsecured creditors will receive if this Plan is confirmed and which amount is higher than the unsecured creditors will receive if the estate is liquidated.

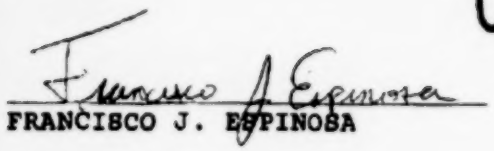
(c) **Chapter 13 Debt Adjustment Plan** which sets forth the repayment amounts and the schedule of payment dates.

Plan Date: December 4, 1992.



JAMES E. ROBINSON, JR.
Attorney for Debtor

APPROVED:



FRANCISCO J. ESPINOSA

UNITED STATES BANKRUPTCY COURT
FOR THE ARIZONA DISTRICT OF ARIZONA

In Re:
FRANCISCO J. ESPINOSA S.S.# 349-68-6653

Date Filed:
Case No:
Judge:
Debtor / CHAPTER 13

Attorney for Debtor: JAMES L. ROBINSON, JR.

STATEMENT OF ENCUMBERED PROPERTY AND ADJUSTMENTS TO LIST OF UNSECURED CLAIMS

Debtor(s) maintain that the following represents the fair market value of each article of encumbered property:

Property	Market Value
	0.00

The following secured claims are greater than the fair market value of the properties that secure them. Their unsecured portions are therefore added to the list of unsecured claims in the following amounts:

Creditor/Claim	Debt	Market Value	Unsecured Portion
NONE			

The following secured claims represent non-purchase money security interests and are hereby avoided pursuant to 11 USC 522(f)(2)(A). These claims are therefore added to the list of unsecured claims, in the following amounts:

Creditor/Claim	Debt
NONE	

Total adjustment to the Unsecured Claims:

	Total of Unsecured Claims per question 12c:	0.00
plus	Unsecured Portions of Secured Claims:	0.00
equals	Adjusted Total of Unsecured Claims:	0.00

LIQUIDATION ANALYSIS

Property	Fair Market Value	Liens	Debtor's Equity	Exempt Amount	Unexempt Amount
Real Property					
NONE					
Automobiles					
1984 Ford T-Bird	1,200.00	0.00	1,200.00	1,200.00	0.00
Household Goods					
NONE					
Personal Effects					
Clothing & Jewelry	575.00	0.00	575.00	575.00	0.00
Household & Personal property	540.00	0.00	540.00	540.00	0.00
Cash or Financial Accounts					
Sun River Apts., Rent Deposit	100.00	0.00	100.00	100.00	0.00
Other					
NONE					
Total:	2,415.00	0.00	2,415.00	2,415.00	0.00

SUMMARY

Total of Debtor's Equity:	2,415.00	
Total of Exempted Amounts:	2,415.00	
Balance remaining if estate is liquidated:	0.00	
Less administrative fees:	0.00	
Distribution to Priority Creditors:	13,250.00	
Available for distribution to unsecured creditors:	-13,250.00	
Actual total of unsecured claims:	0.00	
Percent Distribution under Chapter 7:	0.0%	
Available for Distribution under plan:	0.00	0.0%

CHAPTER 13 DEBT ADJUSTMENT PLAN

Creditor Name	Number of Payments	Payment Dates	Monthly Amounts	Total Payout
Payments Outside of Plan				NONE
Lump Sum Payments				
Attorney fees/costs	10	Month 1-10	150.00	1,500.00
				1,500.00
Secured Paid at 100%				NONE
Arrearages on secured claims				NONE
Secured, Paid at Mkt Val				NONE
Unsecured Paid at 100%				
United Student Aid Fund # 1	60	Month 1-60	Various	2,625.00
United Student Aid Fund # 2	60	Month 1-60	Various	2,625.00
United Student Aid Fund # 3	60	Month 1-60	Various	4,000.00
United Student Aid Fund # 4	60	Month 1-60	Various	4,000.00
				13,250.00
Unsecured Creditors				NONE

SUMMARY OF REPAYMENT PLAN

Debtor's pay period:	Monthly		
Number of pay periods in plan:	60		
Debtor's payment per pay period:	$ 274.00	Periods	1 to 60
Number of months in plan:	60		
Monthly Plan Income (After Trustee's fees):	$ 246.60	Months	1 to 60
Total plan funds (Before Trustee's Fee):	$ 16,440.00		
Trustee's fee:	$ 1,644.00		
Available for disbursement to creditors:	$ 14,796.00		
Outstanding Attorney Fees and Costs:	$ 1,500.00		
Priority Claims:	$ 13,250.00	$ 13,250.00#	
Payments on Debts that continue after the Plan:	$ 0.00		
Arrearages, including applicable interest:	$ 0.00		
Other Secured Claims:	$ 0.00	$ 0.00+	
Total:	$ 14,750.00		
Available for Unsecured Creditors:	$ 46.00		
Total Unsecured Claims:	$ 0.00	$ 0.00**	
Percentage Repayment of Unsecured Creditors:	100.0%		

\# As a double-check: Priority claims per 12a
\+ Fully secured claims per 12b, after adjustments for avoided claims
** Adjusted Unsecured per questions 12b, 12c

Form 13-2
PLAN ANALYSIS

Debtor: FRANCISCO J. ESPINOSA Case: _____
Prior: Bankruptcy ( ) Chapter 13 (X) Date _____
Estimated Length of Plan 60 months.

Trustee Use:
§341 Meeting Date: _____
Continued: _____
Confirmed Date: _____

TOTAL DEBT PROVIDED FOR UNDER THE PLAN AND ADMINISTRATIVE EXPENSES

A.	TOTAL PRIORITY CLAIMS	
	1. Unpaid attorney's fees	$ 1,500.00
	2. Taxes	$ 0
	3. Other	$ 13,250.00
B.	TOTAL OF PAYMENTS TO CURE DEFAULTS	$ 0
C.	TOTAL OF PAYMENTS ON SECURED CLAIMS	$ 0
D.	TOTAL OF PAYMENTS ON GENERAL UNSECURED CLAIMS	$ 0
E.	SUBTOTAL	$ 14,750.00
F.	TOTAL TRUSTEE'S COMPENSATION (10% of debtor's payments)	$ 1,644.00
G.	TOTAL DEBT AND ADMINISTRATIVE EXPENSES . . .	$ 16,394.00

RECONCILIATION WITH CHAPTER 7

H.	INTEREST OF GENERAL UNSECURED CREDITORS IF CHAPTER 7 FILED		
	1. Value of debtor's interest in non-exempt property	$ 0	
	2. Plus: value of property recoverable under avoiding powers	$ 0	
	3. Less: estimated Chapter 7 administrative expenses	$ 0	
	4. Less amounts payable to priority creditors other than costs of administration	$ 13,250.00	
	5. Equals: estimated amount payable to general unsecured creditors if Chapter 7 filed (if negative, enter zero)	$ 0	
I.	ESTIMATED DIVIDEND FOR GENERAL UNSECURED CREDITORS UNDER CHAPTER 7	$ 0	0 %
J.	ESTIMATED DIVIDEND UNDER PLAN	$ 0	100.0 %

JAMES L. ROBINSON, JR.
4810 NORTH CAMPBELL, SUITE 238
TUCSON, ARIZONA 85718
(602) 299-4922
Attorney for Debtor(s)

DNB 12-89 1W-59

USAP 5-1-89 9% A + 10.45 DY

FORM B91 6/90	United States Bankruptcy Court District of Arizona Case Number: 92-09819-TUC-AG	NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 13 OF THE BANKRUPTCY CODE, MEETING OF CREDITORS, AND FIXING OF
In re (Name of Debtor) ESPINOSA, FRANCISCO J	Address of Debtor 3100 N LA CANADA #57 TUCSON, AZ 85704 Date Filed December 7, 1992	Soc. Sec. No./Tax I.D. No. 349-68-[illegible]
Addressed:	Address of the Clerk of the Bankruptcy Court U.S. BANKRUPTCY COURT 110 S. CHURCH AVE, SUITE 8112 TUCSON, AZ 85701	
Name and Address of Attorney for Debtor JAMES L. ROBINSON, JR. 4320 N CAMPBELL #238 TUCSON, AZ 85718 Telephone Number (602) 299-4922	Name and Address of Trustee MARGO ITULE 177 N CHURCH #900 TUCSON, AZ 85701 Telephone Number (602) 624-8002	

FILING CLAIMS
Deadline to file a proof of claim: April 14, 1993

DATE, TIME, AND LOCATION OF MEETING OF CREDITORS
January 14, 1993, 9:00 A.M., 110 S. Church Ave., Suite 5130, Monterrey Bldg., Tucson, Arizona 85701

FILING OF PLAN AND DATE, TIME, AND LOCATION OF HEARING ON CONFIRMATION OF PLAN
The debtor has filed a plan. The plan or a summary of the plan is enclosed. Hearing on confirmation will be held:
April 15, 1993, 10:30 A.M., 110 S. Church Ave., Suite 8-212, Acapulco Bldg., Tucson, Arizona 85701

COMMENCEMENT OF CASE. An individual's debt adjustment case under chapter 13 of the Bankruptcy Code has been filed in this court by the debtor or debtors named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. Some protection is also given to certain codebtors of consumer debts. If unauthorized actions are taken by a creditor against a debtor, or a protected codebtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor, or any codebtor, should review §§ 362 and 1301 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above in the box labeled "Date, Time, and Location of Meeting of Creditors" for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

PROOF OF CLAIM. Except as otherwise provided by law, in order to share in any payment from the estate, a creditor must file a proof of claim by the date set forth above in the box labeled "Filing Claims." The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

PURPOSE OF A CHAPTER 13 FILING. Chapter 13 of the Bankruptcy Code is designed to enable a debtor to pay debts in full or in part over a period of time pursuant to a plan. A plan is not effective unless approved by the bankruptcy court at a confirmation hearing. Creditors will be given notice in the event the case is dismissed or converted to another chapter of the Bankruptcy Code.

Failure of the debtor or his attorney to appear at the Section 341(a) meeting or to timely file schedules, statements or plan shall result in dismissal. IF THE PLAN WAS NOT BEEN FILED OR IS NOT INCLUDED, IT WILL BE MAILED TO YOU AT A LATER DATE.

LITIGATION REC'D DEC 18 1992 BANKRUPTCY

FILED

For the Court: Kevin J. O'Brien, Clerk of Court
Clerk of the Bankruptcy Court

December 10, 1992
Date

DEC 10 1992

COPIES: SOC/PKT 1 POS
MASTER MAILING LIST
2 CPS MAILED
BY _____ D. CLERK

34

BEST AVAILABLE COPY

B-10 (Official Form 10)
(Rev. 5/91)

TUCSON

United States Bankruptcy Court
District of ARIZONA

PROOF OF CLAIM

In re (Name of Debtor)
FRANCISCO ESPINOSA

Case Number
92-03819-TUC-LO

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" of payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor
(The person or entity to whom the debtor owes money or property)
UNITED STUDENT AID FUNDS, INC.

Name and Address Where Notices Should be Sent
UNITED STUDENT AID FUNDS INC
P O BOX 6180
INDIANAPOLIS IN 46206-6180

Telephone No. (317)578-6534

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check box if you have never received any notices from the bankruptcy court in this case.

☐ Check box if the address differs from the address on the envelope sent to you by the court.

FILED
JAN 08 1993
KEVIN E. O'BRIEN
U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

THIS SPACE IS FOR COURT USE ONLY

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:
349-68-6653

Check here if this claim: ☐ replaces ☐ amends a previously filed claim, dated: _____

1. BASIS FOR CLAIM

☐ Goods sold
☐ Services performed
☒ Money loaned
☐ Personal injury/wrongful death
☐ Taxes
☐ Other (Describe briefly)

☐ Retiree benefits as defined in 11 U.S.C. § 1114(e)
☐ Wages, salaries, and compensations (Fill out below)
Your social security number _____
Unpaid compensations for services performed
from _____ (date) to _____ (date)

2. DATE DEBT WAS INCURRED
3-1-89 - 8.00% (Adjusted) & 10.45% (Variable)

3. IF COURT JUDGMENT, DATE OBTAINED:

4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another.
CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM

☐ SECURED CLAIM $ _____
Attach evidence of perfection of security interest
Brief Description of Collateral:
☐ Real Estate ☐ Motor Vehicle ☐ Other (Describe briefly)

Amount of arrearage and other charges included in secured claim above, if any $ _____

☒ UNSECURED NONPRIORITY CLAIM $ 17,832.15 (includes interest)
A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.

☐ UNSECURED PRIORITY CLAIM $ _____
Specify the priority of the claim.
☐ Wages, salaries, or commissions (up to $2,000), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier) - 11 U.S.C. § 507 (a)(3)
☐ Contributions to an employee benefit plan - U.S.C. § 507 (a)(4)
☐ Up to $900 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507 (a)(6)
☐ Taxes or penalties of governmental units - 11 U.S.C. § 507 (a)(7)
☐ Other - 11 U.S.C. §§ 507 (a)(2), (a)(5) - (Describe briefly)

5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED
$ 17,832.15 (Unsecured) + $ _____ (Secured) + $ _____ (Priority) = $ 17,832.15 ** (Total)

☐ Check this box if claim includes prepetition charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.

6. CREDITS AND SETOFFS. The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.

7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. TIME-STAMPED COPY: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

Date
12-28-92

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach power of attorney, if any)

Penalty for presenting fraudulent claim: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

** Plus any interest that will accrue during the duration of the plan until the claim is paid in full.

STATEMENT OF PURCHASED ACCOUNT

Statement Date	Page Number
2/22/92	1

Account Identification	
Social Security Number	Loans Requested
847-68-6653	ALL

Code Definition *	Code
IRS Federal Offset	IO
State Offset	SO

ESPINOSA FRANCISCO
5100 N. LA CANADA 857
TUCSON, AZ 85704

UNITED STUDENT AID FUNDS INC
PO BOX 6180
INDIANAPOLIS IN 46206-6180
(317) 849-6510

ase notify us at once of any payments not shown on this statement.

* NUMERIC IS COLLECTION LOCATIO

nsaction Date		Gross Payments	Collection Costs	Other Charges	Date Interest Paid Thru			Interest Paid	Charge to Principal	Principal Due	C
Day	Year				Month	Day	Year				
19/92		AMOUNT PAID TO LENDER @			ADJUSTED INTEREST				$6,164.79	$6,164.79	
10/92		AMOUNT PAID TO LENDER @			VARIABLE INTEREST				$11,041.20	$17,205.99	

BORROWER MAY BE REPONSI[illegible] COLLECTION COSTS

Principal Due	Other Unpaid Charges	Daily Interest Rate	Accrued Interest	Collection Costs	Balance Due
17,205.99	0.00	3.62294	626.16	XXXXXXXXXXXXXXX	17,832.1
Principal Paid	**Other Charges Paid**	**Interest Paid**		**Collection Costs Paid**	**Total Paid**
0.00	0.00	0.00		0.00	0.0

unos Form 217 (Rev. 7/92)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

FILED
3 54 PM '93

IN RE	CHAPTER 13 NO. 92-3819-TUC-LO
FRANCISCO ESPINOSA	OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN
	Date: 4/15/93
	Time: 10:30 a.m.

To the Honorable Lawrence Ollason, Bankruptcy Judge: Comes Now, Margo Itule, Trustee of the above named debtor(s) and respectfully submits as follows:

The Chapter 13 plan filed in the above named case should not be confirmed for the following reasons:

1) Pursuant to 11 USC sec. 507, Trustee objects to the classification of the debtor's student loans as priority claims. Trustee requests amendment to reclassify these debts.

Remarks:

It is required the debtor(s) report any change of income to the Trustee. The Trustee requires an annual statement of income and expenses be submitted to her office.

Date 3-30-93

Margo Itule

Margo Itule, Trustee

Copies mailed to the following on: 3-30-93

Debtor(s): Francisco Espinosa 5100 N. La Canada #57 Tucson, Arizona 85704
Attorney for debtor(s): James Robinson St. Phillips Plaza 4320 North Campbell Suite 238 Tucson, Arizona 85718

lmr

TRUSTEE'S CONFIRMATION WORK SHEET Margo Shu

Attorney Daniel L Patterson Confirmation Hearing Date 4/[illegible]

Debtor Name Francisco Espinoza Case No. 92-3817 TUC

CONFIRM _____ NOT CONFIRM X Petition filed 2/7/92 Plan filed 2/7/

Monthly Budget

Income	$ 1317.50	Total Unsec. Listed	$ 0
Expense	$ 1145.00	Deficiencies	$ 0
Surplus	$ 172.50	Dischg. Tax	$ 0
		_____	$ 0
		Total	$ 0
		Amt. Paying Unsec. in Plan	$ 0
		Liquidation Value	$ 0

Proposed $ 274.- Per Month

60 Months $ 16,440.- Total

ACTUAL PLAN SUMMARY		ERRATA	CHANGES PER _____
Mortgage Arrears	$ 0		
Est. Court Costs	$ 40.00		
Other Secured Loans	$ 13200.00		
Secured	$ 0		
Unsecured	$ 0		
Priority	$ 0		
Attorney	$ 150.00		
SUB TOTAL	$ 14790.00		
Trustee	$ 1644.00		
TOTAL	$ 16,440.00		

REMARKS:

Pursuant to 11USC sec 507, Trustee objects to the classification of the debts stated here as priority claims. Trustee requests amendment to reclassify these debts

SEE

FILED

APR 21 PM '93

KEVIN E. O'NEIL
CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF ARIZONA

LAW OFFICE OF JAMES L. ROBINSON, JR.
St. Philip's Plaza, 4320 North Campbell, Suite 238
Tucson, Arizona 85718 (602) 299-4922
PCB #48612 - ARIZ. BAR #3184

Attorney for Debtor.

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re	
FRANCISCO ESPINOSA,	In Proceedings Under Chapter 13
	Case No. 92-3819-TUC-LO
Debtor.	**AMENDMENT TO DEBTOR'S SCHEDULES E and F**

COMES NOW, the Debtor, by and through counsel undersigned, and hereby amends the classification of his student loan as listed in Schedule E - "Creditors Holding Unsecured Priority Claims". The classification of the student loan should be listed in the debtor's Schedule F - "Creditors Holding Unsecured Nonpriority Claims". The classification will not affect the obligation for the student loan which shall be paid 100% through the Debtor's Plan.

DATED THIS 9th day of April, 1993.

JAMES L. ROBINSON, JR.
Attorney for Debtor

Original and ~~two~~ 2 copies filed with the Clerk of the United States Bankruptcy Court this ~~9th~~ 21st day of April, 1993.

Copy of the foregoing mailed/
hand delivered this 9th day
of April, 1993 to:

Margo Itule, Chapter 13 Trustee
177 North Church Avenue, Suite 900
Tucson, Arizona 85701

By: Jean M. Shanks

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA
MINUTES

FILED

APR 15 1993

KEVIN E. O'BRIEN
U. S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

Hearing Officer: MARGO ITULE
Hearing Room: 5-230
Clerk: KAY HONEMAN
Court Reporter: JUANITA GASTELO
Date/Time: APRIL 15, 1993 - 10:30 A.M.
Case Number: 92-03819
Case Name: ESPINOSA, FRANCISCO J

Chapter: 13

SUBJECT OF HEARING:

CONFIRMATION OF PLAN

APPEARANCES:

J. ROBINSON, ATTORNEY FOR DEBTORS

PROCEEDINGS:

ATTORNEY FOR DEBTOR STATES PLAN CAN BE CONFIRMED WITH A STIP & ORDER

TRUSTEE RECOMMENDS: PLAN BE CONFIRMED WITH STIP AND ORDER WITH DEBTOR/TRUSTEE. TRUSTEE HAS RECEIVED THE S/O ALREADY.

10F7

LAW OFFICE OF JAMES L. ROBINSON, JR.
St. Philip's Plaza, 4320 North Campbell, Suite 238
Tucson, Arizona 85718 (602) 299-4922
PCB #48612 - ARIZ. BAR #3184

Attorney for Debtor.

FILED
MAY - 6 1993
KEVIN E. O'BRIEN, CLERK
UNITED STATES
BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

LODGED
KEVIN E. O'BRIEN, CLERK
U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

MAY - 3 1993

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re FRANCISCO ESPINOSA, Debtor.	In Proceedings Under Chapter 13 Case No. 92-3819-TUC-LO **ORDER CONFIRMING CHAPTER 13 PLAN**

UPON STIPULATION AND AGREEMENT between the Debtor and the Chapter 13 Trustee, MARGO ITULE, that the Trustee shall withdraw her objection to Debtor's Chapter 13 Plan upon the debtor's reclassification of his student loan claim from a Schedule E - priority claim to Schedule F - general unsecured claim to be paid 100% through the debtor's plan, and there being no other objection to the Debtor's Plan and good cause appearing,

THE COURT FINDS AS FOLLOWS:

1. The Debtor's Chapter 13 Plan has been accepted in writing or is deemed to have been accepted by the creditors whose acceptance is required by law.

2. The Plan has been proposed, and its acceptance procured, in good faith and not by any means, promises or acts forbidden by law.

3. The Plan is for the best interest of the creditors and is feasible taking into account the Statement filed by the

Debtor.

4. The Debtor has not been guilty of any of the acts or has not failed to perform any of the duties which would be a bar to the discharge of the bankruptcy.

5. The value, as of the effective date of the Plan, of property to be distributed under the Plan to each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the Debtor were liquidated under Chapter 7, Title 11, United States Code, on such date.

IT IS ORDERED that the forgoing stipulation between the Debtor and the Chapter 13 Trustee is approved,

IT IS FURTHER ORDERED that the Debtors' Chapter 13 Plan is approved and the Debtors are ordered to comply therewith.

DONE IN OPEN COURT this _____ day of _____, 1993.

MAY 6 1993

THE HONORABLE LAWRENCE OLLASON
United States Bankruptcy Judge

RESPECTFULLY SUBMITTED this 30th day of April, 1993.

JAMES L. ROBINSON, JR.
Attorney for Debtor

APPROVED this 28th day of April, 1993:

MARGO PIULE, CHAPTER 13 TRUSTEE

FILED
JUN 10 3 14 PM '93
KEVIN J. O'BRIEN
U.S. BANKRUPTCY COURT
DISTRICT OF ARIZONA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In Re:

FRANCISCO ESPINOSA

Debtor (s)

CHAPTER 13 NO: 92-03819 LCO

TRUSTEE'S NOTICE TO CREDITOR

Margo Trule, Standing Chapter 13 Trustee of the above captioned Chapter 13 Bankruptcy acknowledges the following claim:

Claim #: 1 Filed on: 01/08/93, for $ 17832.15 by or on behalf of:

Name: UNITED STUDENT AID FUNDS INC.
Address: P.O. BOX 6180
INDIANAPOLIS IN 46206-6180

This claim will be treated as follows:

___ 1. This debt is listed for payment outside the Chapter 13 plan and will not be paid by the Trustee.

___ 2. The claim is not listed for payment in the schedules or in the Chapter 13 plan and will not be paid through the plan.

___ 3. The claim cannot be identified from the schedules or the plan. If adequate supporting documentation is provided to the Trustee, allowing her to identify the claim as valid on or before 30 days from this mailing, the claim may be paid.

XX 4. The amount of the claim filed differs from the amount listed for payment in the plan. Your claim will be paid as listed in the plan. Unsecured claims not specifically identified in the plan will be paid at the amounts listed in the schedules.

If an interested party wishes to dispute the above stated treatment of the claim, it is the responsibility of the party to initiate the dispute.

The claim will be treated as indicated above unless the Trustee receives within 30 days from this mailing, a written request for different treatment. The request should set forth the specific grounds for alternative treatment and should be filed with the Clerk of the Court, with a copy mailed to the Trustee at 177 N. Church Ave., Suite #700, Tucson, Arizona 85701.

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On this day, a true and exact copy of this notice has been forwarded to the claimant, and the following:

Debtor(s): FRANCISCO ESPINOSA, 5100 N. LA CANADA #57, TUCSON AZ 85704
Attorney for debtor(s): JOHN L. ROBINSON, ST PHILIP'S PLAZA, 4220 N. CAMPBELL STE. #238, TUCSON, AZ 85718

Dated: JUNE 10, 1993

Margo Itule

Margo Itule, Trustee

UNITED STATES BANKRUPTCY COURT
District of Arizona, Tucson Division

FILED

MAY 30 1997

KEVIN E. O'BRIEN
U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In Re:
ESPINOSA, FRANCISCO J
2930 N 38TH ST #11
PHOENIX, AZ 85018

DSSAN: *349-68-6653*

Case No. *92-03819-TUC-LO*

Date Filed *Dec. 7, 1992*
Chapter *13*

DISCHARGE OF DEBTOR(S)

The debtor(s) having filed a Chapter 13 petition, the court finds that the debtor(s') plan has been confirmed; that the debtor(s) have fulfilled all requirements under the plan; that all allowed claims have been satisfied in accordance with the plan; and that with respect to any secured claims which continue beyond the term of the plan, any pre-petition or post-petition defaults have been cured and such claims are current with no late charges, costs or attorney's fees owing. IT IS ORDERED THAT:

1. Pursuant to 11 USC §1328(a), the debtor(s) are discharged from all debts provided for by the plan or disallowed under 11 USC §502, except any debt:

(a) provided for under 11 U.S.C. §1322(b)(5) and on which the last payment is due after the date on which the final payment under the plan was due;

(b) in the nature of alimony to, maintenance for, or support of a spouse, or child of the debtor in connection with a separation agreement, divorce decree or other order of a court of record, or property settlement agreement, as specified in 11 USC §523(a)(5);

(c) for a student loan or educational benefit overpayment as specified in 11 U.S.C. §523(a)(8);

(d) for a death or personal injury caused by the debtor(s)' unlawful operation of a motor vehicle while intoxicated from using alcohol, a drug, or another substance, as specified in 11 U.S.C. §523(a)(9), in case filed on or after November 15, 1990;

(e) for restitution included in a sentence on the debtor(s)' conviction of a crime, in case filed on or after November 15, 1990; or

(f) for a fine included in a sentence on the debtor(s)' conviction of a crime, in a case commenced on or after October 22, 1994.

2. Pursuant to 11 USC §1328(d), the debtor(s) are not discharged from any debt based on an allowed claim filed under 11 USC §1305(a)(2) if prior approval by the trustee of the debtor('s) incurring such debt was practicable and was not obtained.

#02

3. Notwithstanding the provisions of Title 11, United States Code, the debtor(s) are not discharged from any debt made non-dischargeable by 18 USC §3613(f), by certain provisions of titles 10,37,38,42, and 50 of the United States Code, or by any other applicable provision of law.

4. All creditors are prohibited from attempting to collect any debt that has been discharged in this case. Creditors who hold secured claims which continue beyond the term of the plan shall take no action inconsistent with the above findings.

Dated: May 30, 1997

HONORABLE Lawrence Ollason
United States Bankruptcy Judge

Asset Case

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re: FRANCISCO J. ESPINOSA, Debtors.	Chapter 13 Case No. 4-92-03819-EWH ORDER

The Ninth Circuit Court of Appeals has remanded this case to the United States District Court for the District of Arizona, for that court in turn to remand it to this Court. The purpose of the remand was limited to consideration by this Court whether, under Federal Rule of Civil Procedure 60(a) the Discharge Order in this Case entered May 30, 1997, Docket 47, should be corrected to remove therefrom the prohibition against discharging Student Loans.

The Court has considered the motion of the Debtor, and the response of the student loan creditor, and finds that the inclusion of paragraph 1(c) in the Discharge Order was inserted because of a clerical mistake, because it was the clear intent of the Court, as reflected in the Chapter 13 Plan, ~~and the Order confirming that Plan~~ As approved by the Court, that all student loan-related obligations were to be discharged if the debtor successfully performed and completed the Plan.

Therefore:

IT IS ORDERED striking paragraph 1(c) of the Discharge Order, Docket 47.

IT IS FURTHER ORDERED that Debtor be, and he hereby is, discharged from all obligations of any nature whatsoever arising from or related to the Student Loans listed in Debtor's Petition and Schedules.

aug 20, 2008

Edward Holland

United States Bankruptcy Judge